

Wednesday, May 9, 2007

House Meets At...	Votes Predicted At...
10:00 a.m. For Legislative Business	Last Vote: 8:00 p.m.
Unlimited "One-minutes" Per Side	

**Any anticipated Member absences for votes this week should be reported to the Office of the Majority Whip at 226-3210.**

### **Floor Schedule and Procedure**

- **Suspension Bill:** Today, the House will consider one bill on the Suspension calendar. Bills considered on the Suspension calendar are debatable for 40 minutes; may not be amended; and require a two-thirds vote for passage. If a recorded vote is requested, it will be postponed.
  1. **H.R. 890 - Student Loan Sunshine Act (Rep. George Miller – Education and Labor).**
- **H. Res. 383–Rule providing for consideration of H.R. 1873 - Small Business Fairness in Contracting Act (Rep. Cardoza–Rules):** The structured rule provides one hour of general debate equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Small Business. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule makes in order only those amendments printed in the report. The rule provides one motion to recommit with or without instructions. Debate on the rule will be managed by Rep. Cardoza and consideration will proceed in the following order:
  - One hour of debate on the rule.
  - Possible vote on a Democratic motion to move the previous question. **Democrats are urged to vote yes on the motion.**
  - Vote on adoption of the rule. **Democrats are urged to vote yes on adoption of the rule.**

- **H. Res. 382–Rule providing for consideration of H.R. 1684 - Department of Homeland Security Authorization Act for Fiscal Year 2008 (Rep. Matsui–Rules):** The structured rule provides one hour of general debate equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Homeland Security. The rule makes in order those amendments printed in the report. The rule provides one motion to recommit with or without instructions. Debate on the rule will be managed by Rep. Matsui and consideration will proceed in the following order:
  - One hour of debate on the rule.
  - Possible vote on a Democratic motion to move the previous question. **Democrats are urged to vote yes on the motion.**
  - Vote on adoption of the rule. **Democrats are urged to vote yes on adoption of the rule.**
  
- **H.R. 1684-Department of Homeland Security Authorization Act for Fiscal Year 2008 (Rep. Bennie Thompson-Homeland Security):** Pursuant to the rule, debate on the bill will be managed by Homeland Security Committee Chair Rep. Bennie Thompson, or his designee, and will proceed in the following order:
  - One hour of debate on the bill.
  - Debate and votes on amendments to the bill.
  - Possible debate and vote on a Republican motion to recommit the bill.
  - Vote on final passage of the bill. **Democrats are urged to vote yes on final passage.**
  
- **H.R. 1873-Small Business Fairness in Contracting Act (Rep. Braley-Small Business/Oversight and Government Reform):** Pursuant to the rule, debate on the bill will be managed by Small Business Committee Chair Rep. Nydia Velazquez, or her designee, and will proceed in the following order:
  - One hour of debate on the bill.
  - Debate amendments to the bill.
  - **NOTE: Any recorded votes ordered on H.R. 1873 will be postponed.**

## **Bill Summary and Key Issues**

### **H.R. 1684-Department of Homeland Security Authorization Act for Fiscal Year 2008**

- This bipartisan bill was reported out of the Homeland Security Committee by a unanimous vote, and includes many significant provisions aimed at strengthening and streamlining management, organizational, personnel, and procurement issues at the Department to facilitate execution of its homeland security mission.
- H.R. 1684 is an oversight and management bill that builds capacity, provide resources, and ensure accountability at what GAO still sees as a high-risk endeavor—the transformation and integration of twenty-two entities into the Department of Homeland Security.
- H.R. 1684, authorizes \$39.8 billion in appropriations for the activities of the Department of Homeland Security for Fiscal Year (FY) 2008, -- \$2.1 billion over the requested amount of the President's FY 2008 budget.
- H.R. 1684 establishes important offices such as the Directorate for Policy, the Office of Health Affairs, and the Office of Cyber security and Communications.
- The Bill requires the Department to conduct a Comprehensive Homeland Security Review, similar to the Quadrennial Defense Review conducted by the Department of Defense.
- H.R. 1684 strips the Department of the authority to develop a personnel system different from the traditional GS schedule Federal model.
- The Bill requires pay parity for Customs and Border Protection employees and other border personnel enhancements and addresses critical staffing needs by tapping into the pool of experienced Federal annuitants.
- H.R. 1684 authorizes the Citizen Corps and the Metropolitan Medical Response System programs to strengthen emergency response and recovery efforts and streamlines and adds transparency to the contracting and procurement processes.

### **Anticipated Amendments to H.R. 1684-Department of Homeland Security Authorization Act for Fiscal Year 2008**

**Thompson, Bennie (MS)**, Manager's Amendment. The amendment adds reporting requirements, revises annuitant provisions, and requires a GAO report on law enforcement retirement systems. The amendment also adds a provision related to travel efficiency. The amendment also strikes some provisions of the bill. (10 minutes)

**Davis, Tom (VA)**, This amendment removes section 407 of the bill, which requires that identification cards, uniforms, protective gear, and badges of Homeland Security personnel be manufactured in the United States. (10 minutes)

**Langevin (RI)**, The amendment directs the Federal Emergency Management Agency and the Disability Coordinator at the Department of Homeland Security to

enter a cooperative agreement with the National Organization on Disability (NOD) to carry out NOD's Emergency Preparedness Initiative. (10 minutes)

**Andrews (NJ)**, The amendment provides up to 14 days per calendar year of job protection for volunteer emergency service personnel who respond to a Presidentially-declared disaster in an official capacity. Any individual discriminated against in violation of the provision may seek redress in court. (10 minutes)

**Brown, Corinne (FL)**, The amendment would direct the Secretary of Homeland Security, in awarding grants under the Urban Area Security Initiative, to consider the number of tourists that have visited an urban area in the two years preceding the year the Secretary awards the grant. (10 minutes)

**Castle (DE)**, The amendment requires the Secretary of Homeland Security to study foreign rail security practices that are not currently used in the U.S. and submit a report on recommendations for implementing such practices within one year of enactment. (10 minutes)

**Hastings (FL)**, Establishes a FEMA long-term recovery office in Florida. Three years following enactment, FEMA is required to report to the House Committee on Transportation and Infrastructure to evaluate effectiveness of the recovery office. (10 minutes)

**Flake (AZ)**, The amendment would strike Section 1102, Critical infrastructure study. (10 minutes)

**Stupak (MI)**, The amendment requires the Secretary of Homeland Security to issue a report to Congress outlining the resources currently devoted to Integrated Border Enforcement Teams (IBETs) and making recommendations on how to improve the effectiveness of the IBET program. (10 minutes)

**Hastings (WA)/Reichert (WA)/Dicks (WA)**, Requires the Department of Homeland Security's strategic plan to include a plan for fulfilling existing National Laboratory infrastructure commitments to maintain current capabilities and mission needs. (10 minutes)

**Kucinich (OH)**, The amendment will authorize FEMA to conduct a comprehensive study of the increase in demand for FEMA's emergency response and disaster relief services as a result of weather related disasters associated with global warming during the next 5, 10, and 20 years. The assessment will include an analysis of the budgetary and manpower implications of meeting such increased demand for FEMA services. (10 minutes)

**Rothman (NJ)**, This amendment clarifies the intent of Congress that the Department of Homeland Security may not pre-empt any state's more stringent chemical security regulation, standard, or requirement. (10 minutes)

**Rothman (NJ)**, The amendment requires the Secretary of DHS to report to Congress on how to coordinate and protect the infrastructure in the area between Port Elizabeth and Newark International Airport in New Jersey. (10 minutes)

**Sherman (CA)**, This amendment would require that the Section 605 Risk Analysis Process and the Chemical, Biological, Radiological and Nuclear (CBRN) Risk Assessment include analyses of government efforts to inform the public of the appropriate ways to prepare for, and respond to, a CBRN incident, including civil defense efforts. (10 minutes)

**Terry (NE)**, The amendment requires the U.S. Department of Homeland Security to consult with states prior to sharing information on forthcoming grant awards, including when sharing information with the U.S. Congress. (10 minutes)

**Mica (FL)**, Amends section 1102(a) (critical infrastructure study) to require that the Secretary of Transportation, in addition to the Secretary of Homeland Security as is in the original bill, work with the Center for Risk and Economic Analysis of Terrorism Events to evaluate the feasibility and practicality of creating further incentives for private sector stakeholders to share protected critical information with the Department of Transportation in addition to the Department of Homeland Security, as is in the original bill. (10 minutes)

**Cardoza (CA)**, The amendment expresses the Sense of the Congress that efforts to achieve local, regional and national interoperable emergency communications in the near term should be supported and are critical in assisting communities with their local and regional efforts to properly coordinate and execute their interoperability plans. (10 minutes)

**Van Hollen (MD)**, Requires DHS to use such funds necessary to take all necessary actions to protect the security of personal information submitted electronically to the DHS website for the Travelers Redress Inquiry Program and other websites for the Department related to the program. (10 minutes)

**Castor (FL)**, Directs the Secretary of Homeland Security to work with the State of Florida and other States, as appropriate, to resolve the differences between the Transportation Worker Identification Credential and existing access control credentials. (10 minutes)

**Lampson (TX)**, This amendment will allow an Inspector General of the Department of Homeland Security to authorize his or her staff to provide assistance on and conduct reviews of the inactive case files, or “cold cases” involving children or offenders outside the US, stored at the National Center for Missing & Exploited Children (NCMEC) and to develop recommendations for further investigations. (10 minutes)

**Royce (CA)**, The amendment would require the Secretary of Homeland Security to implement at primary inspection points at U.S. ports of entry the Stolen and Lost Travel Document database managed by Interpol. (10 minutes)

### **H.R. 1873, Small Business Fairness in Contracting Act**

- HR 1873 provides for changes to the overall procurement system to reduce contract bundling, create a fair appeals process, and increase participation of small businesses.

- Small-Business Goals. The bill increases the government-wide goal for participation by small-business concerns in all contracts awarded in a fiscal year to no less than 25%, from the current 23%. The measure also increases the government-wide goal for procurement for small disadvantaged and women-owned businesses to 8% from 5%. The bill requires each federal agency to submit to the SBA and Congress a detailed plan outlining how the agency plans to meet its small-business goals each fiscal year.
- Small-Business Set-Aside. The measure requires that the government's small business set-aside requirement applies to orders, not just contracts, and requires that the maximum dollar value for a set-aside be linked to the federal simplified acquisition threshold.
- Government Contracts. The measure limits the ability of federal agencies to bundle small projects into large contracts, with the intent of increasing small business access to government contracts. All general contracts less than \$5 million, and construction contracts under \$65 million, would be exempted.
- Sole-Sourcing. The measure requires the federal procurement office, in consultation with the SBA, to establish limits on the value of contracts awarded to small businesses without the use of a competitive bid process.
- Recertification of Business Size. The bill requires businesses that are close to exceeding the small-business size standards — within 5% of an employee-based size standards and 20% of a receipts-based size standards — to annually recertify throughout the duration of the contract.
- Subcontracting. This bill will require prime contractors to report small business subcontracting (at all tiers) as a percentage of the total dollar amount of the contract award. It will also provide bonus credits to those prime contractors that achieve their subcontracting goals. The names of contractors that do not accomplish their subcontracting goals will be placed on a registry to be maintained by SBA.
- National Database. This bill will require the SBA to contact, within 30 days, any small business that enters its data into the Central Contractor Registry (or its successor).
- Protest Notification. This bill will require SBA to work with federal agencies to ensure that businesses that failed to prevail in a size protest are flagged as such in the Central Contract Registry (or its successor). Additionally, the annual report of small business goal accomplishments shall be qualified as “estimated” until any data integrity issues have been resolved. Lastly, the SBA’s Office of Advocacy shall annually report to Congress

### **Anticipated Amendments to H.R. 1873, Small Business Fairness in Contracting Act**

**Reyes (TX): #11, (REVISED)** The amendment would aid small businesses that have been included in the Small Business Subcontracting Plans of prime contractors that obtain federal contracts. (10 minutes)

**Shuler (NC)/Chabot (OH): #10,** The amendment extends small business contracting goals to overseas contracts. (10 minutes)

**Bean (IL)/Chabot (OH): #8,** The amendment would raise the government-wide small business procurement goal from 25 percent to 30 percent. (10 minutes)

**Sestak (PA)/Chabot (OH): #9, (REVISED)** The amendment closes a loophole in the current bill that allows agencies to avoid doing small business impact studies by designating contracts as "transformed". It also lowers the new dollar threshold established to \$1.5 million to ensure a greater portion of contracts are reviewed for their impact on small business as well as taxpayer savings. (10 minutes)

**Welch (VT)/Inslee (WA)/Blumenauer (OR): #7,** The amendment sets a 5% procurement goal for the Federal government to contract with "green" small businesses. (10 minutes)

**Wynn (MD): #3,** The amendment commissions the Small Business Administration to complete a study on the feasibility and desirability of providing financial incentives to federal prime contractors who meet the goals set forth in their subcontracting plan of utilizing small business concerns owned by economically or socially disadvantaged individuals. (10 minutes)

**Jackson-Lee (TX): #12,** The amendment provides that, whenever the SBA and the contracting procurement agency fail to agree and the Administrator decides to take action to further the interests of a small business concern, the SBA is required to make available on their website any action taken and result achieved by the Administrator. (10 minutes)

**Jackson-Lee (TX): #13,** The amendment requires that, when the SBA and the contracting procurement agency fail to agree and the Administrator submits the matter to the head of the agency for a determination, a copy of the written response to the Administrator be sent to the Committee of the House and Senate that has jurisdiction over the agency concerned, in addition to the Committees on Small Business and Oversight & Government Reform. (10 minutes)

### **Quote of the Day**

"This is the true nature of home -- it is the place of Peace; the shelter, not only from injury, but from all terror, doubt and division." -John Ruskin

The Office of the House Majority Whip | H-329 The Capitol |  
Washington, DC 20515 | p. (202)226-3210 | f. (202)226-1115